

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND**

EDWARD PAVIA,

Plaintiff,

-against-

NEW YORK ARCHDIOCESE, CATHOLIC
YOUTH ORGANIZATION OF STATEN
ISLAND, CATHOLIC CHARITIES OF
STATEN ISLAND, ST. PETER'S BOYS
HIGH SCHOOL, SAINT JOHN BAPTIST
DE LA SALLE OF NEW YORK,
(A.K.A. CHRISTIAN BROTHERS OF
ST. JOHN DE LA SALLE), ANTHONY
SAGONA, ABC CORPORATIONS 1-10,
AND JOHN DOES 1-10.

Defendants.

Index No.

SUMMONS

To the above named Defendants:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on the *Plaintiff* within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the Complaint.

Richmond County is designated as the place for trial. The basis for venue is that the torts underlying this action occurred in Richmond County.

Dated: Roseland, New Jersey
October 4, 2019

/s/ Bradley L. Rice

BRADLEY L. RICE, ESQ.
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New York, New York 10029
Phone: (212) 551-1465

103 Eisenhower Parkway
Roseland, New Jersey 07068
Phone: (973) 618-0400
(Please respond to the NJ
Office)

TO: NEW YORK ARCHDIOCESE
1011 1st Avenue
New York, NY 10022

CATHOLIC YOUTH ORGANIZATION OF STATEN ISLAND
6541 Hylan Blvd
Staten Island, NY 10309

CATHOLIC CHARITIES OF STATEN ISLAND
6581 Hylan Blvd
Staten Island, NY 10309

ST. PETER'S BOYS HIGH SCHOOL
200 Clinton Avenue
Staten Island, NY 10301

SAINT JOHN BAPTIST DE LA SALLE OF NEW YORK
A.K.A. CHRISTIAN BROTHERS OF ST. JOHN DE LA SALLE
Jackson Street
Staten Island, NY 10304

ANTHONY SAGONA
114 Picadilly Dr.
Morganville, New Jersey

**SUPREME COURT OF THE STATE OF NEW YORK
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AND JOHN DOES 1-10.

Defendants.

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COMPLAINT & JURY DEMAND

Plaintiff, Edward Pavia ("Plaintiff" of "Pavia"), by and
through his attorneys, Nagel Rice LLP, hereby states as and for
his complaint against the defendants the following:

INTRODUCTION

1. This action arises out of the sexual molestation of
Plaintiff by defendant Anthony Sagona, while Pavia was a
participant in baseball and basketball leagues organized, run, and
supervised by defendants the Archdiocese of New York (the
"Archdiocese"), the Catholic Youth Organization of Staten Island
(the "CYO"), the Catholic Charities of Staten Island
("Charities"), St. Peter's Boys High School in State Island ("St.
Peter's") and Saint John Baptist de la Salle of New York, Inc.

(a.k.a. the Christian Brothers of St. John de la Salle (the "Brothers")), the religious order that operates St. Peter's. Between the ages of approximately thirteen and seventeen, plaintiff was repeatedly sexually molested and abused by Mr. Sagona, who at all relevant times, served as a coach for the CYO and St. Peter's sponsored baseball and basketball leagues. Mr. Pavia brings this action against the defendants for compensatory and punitive damages as a result of the defendants' acts and omissions.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to CPLR § 301 because the Defendants either reside or conduct business in the State of New York. Alternatively, this Court has jurisdiction pursuant to CPLR § 302 because the tortious acts alleged herein took place within the State of New York, County of Richmond.

3. Venue is proper in this Court under CPLR § 503(a) because a substantial part of the events and omissions that give rise to this claim occurred in Richmond County.

PARTIES

4. Plaintiff Edward Pavia is an individual with a principal address of 4 Witteman Place, Staten Island, New York.

5. Defendant New York Archdiocese ("Archdiocese") is, upon information and belief a non-profit organization or religious

organization operating or doing business in the State of New York, County of New York. The Archdiocese is the governing body that oversees, regulates, supervises and controls St. Peter's and the CYO. In the decades preceding the abuse alleged in this action, upon information and belief, the Archdiocese had or should have had actual and/or constructive knowledge that employees, volunteers, agents, and other persons offering services at Catholic schools like St. Peter's and other youth organizations such as CYO supervised by the Archdiocese engaged in child sexual abuse. Further, upon information and belief, in the decades preceding the abuse alleged in this action, the Archdiocese took no steps to protect the children under their control and instead took steps to protect the abusers within their organizations.

6. Defendant CYO is a catholic youth organization with its principal place of business at 6541 Hyland Boulevard, Staten Island, New York. CYO is a division of the Catholic Charities of Staten Island. Upon information and belief, the Archdiocese and the Charities exercise control over CYO's operations, including having control over the hiring, retention and supervision of volunteers, employees and coaches.

7. Defendant Charities is a not for profit agency of the Archdiocese with its principal place of business at 6581 Hyland Boulevard, Staten Island, New York. Upon information and belief, the Archdiocese exercise control over Charities operations,

procedures and rules, including but not limited to Charities' supervision, control, and management of the CYO.

8. Defendant St. Peter's is a Catholic High School with a principal address of 200 Clinton Avenue, Staten Island, New York 10301. Upon information and belief, the Archdiocese and the Brothers exercise control over St. Peter's operations, including having control over the hiring, retention and supervision of volunteers, employees and coaches.

9. Defendant Brothers is a world-wide Catholic organization and not for profit New York corporation. Upon information and belief, the Archdiocese and the Brothers exercise control over St. Peter's operations, including having control over the hiring, retention and supervision of volunteers, employees and coaches.

10. At all relevant times, Defendant Anthony Sagona ("Sagona") is an individual with a last known address, upon information and belief, of 114 Picadilly Dr., Morganville, New Jersey. During all relevant times, Sagona served as a coach at CYO and St. Peter's.

11. At all relevant times, defendants ABC Corporations 1-10 (said names being fictitious, true identities presently unknown) are corporations, or other entities whose identifies are presently unknown, but who may through discovery be found to be liable in whole or in part for all allegations contained in this Complaint.

12. At all relevant times, defendants John Does 1-10 (said names being fictitious, true identities presently unknown) are individuals whose identifies are presently unknown, but who may through discovery be found to be liable in whole or in part for all allegations contained in this Complaint.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

13. In the 1970s, Mr. Sagona was a coach for the eighth grad CYO all-star basketball team that played. In addition, in the late 1970s and early 1980s Mr. Sagona coached a "sandlot" baseball league team - Sagona Landscaping - the "heavy juniors" independent baseball league. Further, during this same time period, Mr. Sagona was also a coach for the Vikings, a team that played in the St. Peter's summer basketball league, which, upon information and belief was hosted, organized, and supervised by St. Peter's. In his role as coach for the above baseball and basketball teams, Sagano acted as a parent and/or guardian for all of the children he was supervising.

14. In the winter and spring of 1978, Pavia was selected to the eighth grade CYO all-star team, which was then coached by Mr. Sagona along with another individual. It was during this time that Sagona began befriending Pavia and began a grooming process of Pavia.

15. During the following year, Sagona singled out Pavia as a player with "potential" and began giving Pavia additional

attention outside of the CYO practices and games. Specifically, Sagona began asking Pavia to remain at the gym following practices and games for "special projects" with Sagona under the auspices of Sagona giving Pavia private instruction.

16. Shortly thereafter, Sagona began approach Pavia at the local school yards hear Pavia's home, would play one on one basketball games with Pavia outside the CYO practices and games, and would take Pavia out for meals and ice cream.

17. On some occasions, Sagona would show up, uninvited, to Pavia's grandmother's home during times where Pavia was staying there.

18. In 1978, Sagona asked Pavia to join his "sandlot" league baseball team, Sagona Landscaping, as part of an independent baseball league. Pavia was the youngest member of this team.

19. As a result of the power and authority Sagona had from his roles within the CYO the Sagona Landscaping baseball team, Pavia was conditioned to trust Sagona, comply with his directions, and respect Sagona as a mentor. Eventually, Sagona abused this position of trust and what Pavia believed was a true friendship turned sexual.

20. As the coach of Sagona Landscaping, Sagona would host team meetings at his home. Eventually, Sagona began asking Pavia to stay at his home after the team meetings adjourned.

21. It was at Sagona's home where the first instances of sexual abuse occurred. Among other things, Sagona slowly escalated his contact with Pavia from inappropriate discussions, to physical touching, masturbation, oral sex and other sexual encounters.

22. Sagona abuse continued during the two summers Pavia was a star member of the Vikings basketball team in St. Peter's summer league basketball league.

23. These episodes of sexual conduct occurred over a four year period, at various locations.

24. On several occasions, Sagona provided Pavia with cocaine and alcohol to help escalate the sexual abuse.

25. Over the four year period of abuse, Pavia eventually became numb to the sexual conduct, believing it to be a natural part of the loving friendship he had with Sagona.

26. During the years of abuse, upon information and belief, employees of the CYO, St. Peter's, Charities and/or Brothers witnessed Sagona spending inordinate amounts of time with Pavia.

COUNT I
NEGLIGENCE

(Against The Archdiocese, CYO, Charities, St. Peter's, and the Brothers)

27. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

28. Defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers owed Plaintiff a duty to use reasonable care to ensure the safety and well-being of each youth who attended and/or

participated in sports programs managed, controlled, supervised or operated by these defendants.

29. Upon information and belief, the Archdiocese, CYO, Charities, St. Peter's, and the Brothers had or should have had actual and/or constructive knowledge that Sagona was a sexual predator and was sexually abusing Pavia.

30. Defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers took no steps to prevent or stop Sagona's abuse of Pavia.

31. As a direct and proximate result of the negligence and carelessness of the defendants the Archdiocese, CYO, Charities, St. Peter's, the Brothers, John Does 1-10 and ABC Entities 1-10, Pavia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Pavia demands judgment against defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT II
NEGLIGENT HIRING, SUPERVISION, AND RETENTION
(Against the Archdiocese, CYO, Charities, St. Peter's, and the
Brothers)

32. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

33. At all relevant times, Sagona was a coach at CYO and St. Peter's, approved and authorized by the Archdiocese, CYO, Charities, St. Peter's and Brothers to supervise, mentor, and care for teenage males.

34. The positions for which Sagona was retained required him to work closely with, mentor, and counsel, young boys.

35. At all relevant times, Defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers had the duty to hire, properly train, oversee, and supervise Sagona.

36. Defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers breached the aforesaid duty, and their actions and inactions damage Plaintiff.

37. As a direct and proximate result of the negligence and carelessness of the defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers, John Does 1-10 and ABC Entities 1-10, Pavia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Pavia demands judgment against defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT III

**FAILURE TO WARN AND IMPLEMENT ADEQUATE CHILD SEX ABUSE POLICIES
(Against the Archdiocese, CYO, Charities, St. Peter's, and the
Brothers)**

38. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

39. At all times relevant the defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers failed to exercise reasonable care and failed to take reasonable precautions for the safety and well-being of the participants in CYO and St. Peter's basketball and baseball leagues, including, but not limited to Pavia.

40. At all times relevant the defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers failed to enact and/or enforce adequate written and/or verbal policies, procedures, and regulations to educate, identify, prevent, and stop child sexual abuse from occurring to the children under the defendants' care.

41. Defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers were negligent and breached the aforesaid duties, and their actions and inactions were unreasonable.

42. Defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers actions and inactions, including but not limited to their failure to take appropriate remedial action to prevent and/or address the aforesaid conduct, failure to have an appropriate written procedure to prevent and/or address said conduct, and failure to propound and disseminate policies to educate, identify, prevent, and stop child sexual abuse from occurring, were negligent, improper and careless.

43. As a direct and proximate result of the negligence and carelessness of the defendants the Archdiocese, CYO, Charities, St. Peter's, the Brothers, John Does 1-10 and ABC Entities 1-10, Pavia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Pavia demands judgment against defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT IV
RESPONDEAT SUPERIOR
(Against the Archdiocese, CYO, Charities, St. Peter's, and the
Brothers)

44. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

45. Between the ages of thirteen and seventeen, on numerous occasions, Sagona sexually molested Pavia while Sagona was a coach at CYO and St. Peter's.

46. It was part of Mr. Sagona's role as a coach to serve as a mentor, role model, and counselor to the children under his care. It was also part of Mr. Sagona's roles at CYO and St. Peter's to gain the trust of the children under his care, including Pavia.

47. Sagona used his positions with CYO and St. Peter's, and the power vested in him by the Archdiocese, CYO, Charities, St. Peter's and Brothers, to gain Pavia's trust and confidence and to create opportunities to be alone with and abuse Pavia.

48. The Archdiocese, CYO, Charities, St. Peter's, and the Brothers are liable for Sagona's sexual abuse of Pavia under the doctrine of *respondeat superior*.

49. As a direct and proximate result, Pavia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Pavia demands judgment against defendants the Archdiocese, CYO, Charities, St. Peter's, and the

Brothers, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT V
ASSAULT AND BATTERY
(Against Sagona)

50. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

51. Sagona's sexual abuse of Pavia when Pavia was a minor was extreme, intentional and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

52. Sagona's sexually abusive conduct against Pavia constitutes an intentional, unwarranted physical touching and intrusion into Pavia's personal space, his physical well-being, and psychological state.

53. As a direct and proximate result of the intentional conduct of Sagona, Pavia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Pavia demands judgment against defendant Sagona, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against Sagona)

54. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

55. Sagona's sexual abuse of Pavia when Pavia was a minor was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

56. At the time Sagona sexually abused and molested Pavia, which Sagona knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress.

57. As a direct and proximate result of the intentional conduct of Sagona, Pavia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Pavia demands judgment against defendant Sagona, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT VII
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)

58. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

59. All Defendants owed a duty to Pavia, by virtue of his status as a minor and participant in the basketball and baseball

leagues organized, sponsored, supervised, and or run by defendants the Archdiocese, CYO, Charities, St. Peter's, and the Brothers.

60. It was part of Mr. Sagona's role as a coach to serve as a mentor, role model, and counselor to the children under his care. It was also part of Mr. Sagona's roles at CYO and St. Peter's to gain the trust of the children under his care, including Pavia.

61. Sagona used his positions with CYO and St. Peter's, and the power vested in him by the Archdiocese, CYO, Charities, St. Peter's and Brothers, to gain Pavia's trust and confidence and to create opportunities to be alone with and abuse Pavia.

62. Sagona breached his duty to Pavia by sexually abusing Pavia.

63. Defendants the Archdiocese, CYO, Charities, St. Peter's, and Brothers breached their duties to Pavia through their negligent retention, supervision, failure to warn, and other actions and inactions that permitted Sagona to abuse Pavia over a three year period.

64. As a direct and proximate result of the negligent conduct of the defendants the Archdiocese, CYO, Charities, St. Peter's, Brothers, Sagona, John Does 1-10 and ABC Entities 1-10, Pavia sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.


WHEREFORE, Plaintiff Pavia demands judgment against defendants the Archdiocese, CYO, Charities, St. Peter's, Brothers and Sagona, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

JURY DEMAND

65. Plaintiff demands a trial by jury of all issues.

Dated: Roseland, New Jersey
October 4, 2019

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